

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NOEMI MARTE,

Plaintiff,

-against-

**BRIAN KEITH MOREHART and LUCAS TRUCKING
CORP.**

Defendants.
-----X

Index No.:
08Civ.4338 (PAC)

RULE 26 DISCLOSURE

Plaintiff, NOEMI MARTE, by and through her attorneys, Belovin & Franzblau, LLP, sets forth the following as and for her disclosure under Rule 26 of the Federal Rules of Civil Procedure:

(A) (1) (A) (i). Individuals with discoverable information: Other than the parties involved in this action, plaintiff believes that Cynthia Stinziano and Alexia Derizzio may have discoverable information. Plaintiff is not aware of the actual address for either individual. However, the police accident report list Ms. Stinziano s address as 2202 Wickham Avenue, Bronx, New York 10469.

(ii). Relevant documents and tangible things under parties control: Plaintiff is aware of a two page police accident report and a copy of this report is annexed hereto.

(iii). Information related to calculation of damages: As a result of the accident herein, plaintiff suffered the following injuries:

a) left foraminal disc herniation at L3-4 with associated annular signal with annular tear;

- b) proximal left neuro-foraminal narrowing at L3-4;
- c) right para-central disc herniation with ridging at C7-T1;
- d) straightening to the normal lordotic curvature of the cervical spine;
- e) cervicalgia;
- f) left shoulder tendinitis;
- g) thoracic pain;
- h) lumbar pain; and
- i) right shoulder pain.

All of the above injuries affected all surrounding tissues, nerves, ligaments, bones, blood vessels, skin and all said injuries caused swelling, loss of motion, limitation of motion, pain, suffering, loss of enjoyment of life, and loss of enjoyment of activities. Upon information and belief, all of the above injuries are permanent in nature.

Annexed hereto is copies of all of plaintiff s medical records in plaintiff s possession. Authorizations for all medical providers is annexed to the plaintiff s discovery responses.

(iv). Plaintiff is not in possession of any such insurance agreements. Plaintiff s application for no-fault benefits was denied as the no-fault carrier claimed that Workers Compensation benefits should apply. Plaintiff has not received any no-fault benefits or workers compensation benefits.

Plaintiff is aware of payments to medical providers made

through her personal health care insurance, Aetna Health Plans. On behalf of Aetna Health Plans, the claim is being handled by The Rawlings Company, Post Office Box 2000, LaGrange, Kentucky 40031. Their file number is 07AIN1200533. An authorization to obtain a copy of these records is annexed to the plaintiff's discovery responses.

2. The plaintiff intends to call Dr. Sam Jin Yee, M.D., to testify at the trial of this matter. Dr. Yee treated plaintiff and supervised treatment of plaintiff while practicing medicine at Pelham Physical Medicine Diagnostic & Treatment Center, 2118 Williamsbridge Road, Bronx, New York 10461. It is expected that Dr. Yee will testify as to the history of plaintiff's condition and accident, the causation of plaintiff's current condition, the diagnosis of plaintiff's injuries, the prognosis of plaintiff's injuries, the permanency of plaintiff's injuries, the affects on plaintiff's life style as a result of the injuries and as to all those matters contained in Dr. Yee's previously exchanged medical reports and records, and to those injuries contained in plaintiff's verified bill of particulars. Dr. Yee will also testify as to the results of a variety of diagnostic tests, including x-rays, MRIs, Ct scan and EMGs.

Dr. Yee is a medical doctor, duly qualified to practice medicine in the State of New York. The specifics of Dr. Yee's qualifications will be provided under separate cover. Dr. Yee's reports are annexed hereto. In addition, an authorization to obtain copies of Dr. Yee's medical records for plaintiff is annexed to the plaintiff's discovery

responses.

Dated: Bronx, New York
August 1, 2008

Yours, etc.,

David A. Karlin
BELOVIN & FRANZBLAU, LLP
Attorneys for Plaintiff(s)
Office & P.O. Address
2311 White Plains Road
Bronx , New York 10467
(718) 655-2900

TO: Law Office of John P. Humphreys
Attorneys for Defendant(s)
LUCAS TRUCKING CORP. AND BRIAN KEITH MOREHART
485 Lexington Avenue, 7th Floor
New York, NY 10017
(917) 778-6600